

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Civil Revision No.852 of 2007

Date of Decision: December 14, 2007

Haryana State Agricultural Marketing Board Petitioner

Versus

Rameshwar Parshad Naidu and another Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.JS Cooner, Advocate for the petitioner.

S. D. ANAND, J.

1. A first appeal, preferred by the defendant-appellant, against the judgment and decree dated 21.5.2004 of the Court of Civil Judge (Senior Division) Jind, was dismissed by the learned First Appellate Court as time barred.

2. Learned counsel for the petitioner argues that the filing of the appeal was delayed as the plaintiff-respondents had verbally agreed to accept the arrears of rent for a lesser duration in terms of the law of limitation. The learned Trial Court had otherwise allowed the payment of arrears for a period of about 17 years.

3. There is no documentation of the fact that the plaintiff-respondents had ever agreed to accept the arrears much lesser in amount than the amount decreed in his favour. Assuming, for the sake of arguments, that the plaintiff-respondents had indeed done so, there is no

earthly reason why the parties could not have come to an out-of-Court, though documented settlement. In that eventuality, the petitioner-Board may not have been at all impelled to file this revision petition. In fact, the inter-se relatability of the plea averred before this Court and the delay in filing of the appeal before the learned First Appellate Court would appear to be extinct.

4. There is no illegality or irregularity in the manner of appreciation of the facts by the learned Trial Court.

5. Dismissed in limine.

December 14, 2007
SRM

(S. D. ANAND)
JUDGE

Note: Whether referred to reporter ? Yes/No